SENATE BILL No. 240

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-1.

Synopsis: Public works procedures. Amends the statute governing local public works projects to state that a political subdivision or its agencies may: (1) participate in a utility efficiency program or may enter into a guaranteed savings contract as provided by law; and (2) enter into a design-build contract as permitted by law instead of awarding a public works contract. Provides that a "conservation measure" includes installation of insulation in a political subdivision's facility. (Under current law, the definition of "conservation measure" includes only insulation of school facilities.)

Effective: July 1, 2009.

Merritt

January 7, 2009, read first time and referred to Committee on Utilities & Technology.





2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

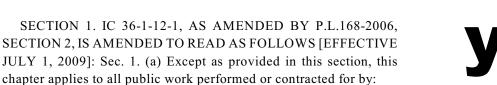
Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in this style type. Also, the word NEW will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in this style type or this style type reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

SENATE BILL No. 240

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:



- (1) political subdivisions; and
- (2) their agencies;
- regardless of whether it is performed on property owned or leased by the political subdivision or agency.
- (b) This chapter does not apply to an officer or agent who, on behalf of a municipal utility, maintains, extends, and installs services of the utility if the necessary work is done by the employees of the utility.
- (c) This chapter does not apply to hospitals organized or operated under IC 16-22-1 through IC 16-22-5 or IC 16-23-1, unless the public work is financed in whole or in part with cumulative building fund
- (d) This chapter does not apply to tax exempt Indiana nonprofit corporations leasing and operating a city market owned by a political



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1	subdivision.
2	(e) As an alternative to this chapter, the governing body of a school
3	corporation political subdivision or its agencies may do the
4	following:
5	(1) Enter into a design-build contract as permitted under
6	IC 5-30.
7	(2) Participate in a utility efficiency program or may enter into a
8	guaranteed savings contract as permitted under IC 36-1-12.5.
9	(f) This chapter does not apply to a person that has entered into an
10	operating agreement with a political subdivision or an agency of a
11	political subdivision under IC 5-23.
12	SECTION 2. IC 36-1-12.5-1, AS AMENDED BY P.L.168-2006,
13	SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14	JULY 1, 2009]: Sec. 1. (a) As used in this chapter, "conservation
15	measure":
16	(1) means:
17	(A) a school facility alteration;
18	(B) an alteration of a structure (as defined in IC 36-1-10-2);
19	(C) a technology upgrade; or
20	(D) with respect to an installation described in subdivision
21	(2)(G) or (2)(H), an alteration of a structure or system;
22	designed to provide billable revenue increases or reduce energy
23	or water consumption costs, wastewater costs, or other operating
24	costs; and
25	(2) includes the following:
26	(A) Providing insulation of the school facility or structure and
27	systems in the school facility or structure.
28	(B) Installing or providing for window and door systems,
29	including:
30	(i) storm windows and storm doors;
31	(ii) caulking or weatherstripping;
32	(iii) multi-glazed windows and doors;
33	(iv) heat absorbing or heat reflective glazed and coated
34	windows and doors;
35	(v) additional glazing;
36	(vi) the reduction in glass area; and
37	(vii) other modifications that reduce energy consumption.
38	(C) Installing automatic energy control systems.
39	(D) Modifying or replacing heating, ventilating, or air
40	conditioning systems.
41	(E) Unless an increase in illumination is necessary to conform
42	to Indiana laws or rules or local ordinances, modifying or



	replacing lighting fixtures to increase the energy efficiency of	1
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	(G) Installing equipment upgrades that improve accuracy of	11
	billable revenue generating systems.	12
	(H) Installing automated, electronic, or remotely controlled	13
	systems or measures that reduce direct personnel costs.	14
	(b) The term does not include an alteration of a water or wastewater	15
	structure or system that increases the capacity of the structure or	16
U	system.	17
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